

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE MARCH 28, 2006

SENATE BILL

No. 1835

Introduced by Senators Florez and Runner
(Principal coauthor: Assembly Member Sharon Runner)

February 24, 2006

An act to add Section 44013 to the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1835, as amended, Florez. Solid waste facilities permit: local initiative.

The existing California Integrated Waste Management Act of 1989 prohibits a person from operating a solid waste facility without a solid waste facilities permit if that facility is required to have a permit. *The existing Permit Streamlining Act requires a public agency to approve or disapprove a development project within a specified schedule.*

This bill would prohibit an enforcement agency, as defined, from *determining that a solid waste facilities permit application is complete, and would prohibit an application being deemed complete, pursuant to the Permit Streamlining Act, and would prohibit an enforcement agency from proposing, submitting to the California Integrated Waste Management Board, or issuing, and the board from accepting or concurring in, a solid waste facilities permit, for a solid waste facility approved by a local initiative measure, unless the solid waste facility meets specified conditions are met.* ~~The bill would~~

~~require all time periods within which the enforcement agency or the board are required to act on an application for one of these solid waste facilities to be suspended.~~

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44013 is added to the Public Resources
2 Code, to read:

3 44013. ~~(a)~~Notwithstanding subdivision (d) of Section
4 44009, or any other provision of this division, the enforcement
5 agency shall not *determine that a solid waste facilities permit*
6 *application is complete pursuant to Section 65943 of the*
7 *Government Code, nor shall an application be deemed complete*
8 *pursuant to that section, and the enforcement agency shall not*
9 propose, submit to the board, or issue, and the board shall not
10 accept nor concur in, a solid waste facilities permit, for a solid
11 waste facility approved by a local initiative, unless all of the
12 following conditions are met:

13 ~~(1)~~

14 (a) The solid waste facility is consistent with local, state, and
15 federal law, including, but not limited to, local planning, zoning,
16 conditional use permit, countywide siting element, and other
17 requirements.

18 ~~(2)~~

19 (b) The solid waste facility has received all permits required to
20 commence operations from all local, state, and federal agencies
21 having jurisdiction, including, but not limited to, the governing
22 body of the applicable city or county, the appropriate California
23 regional water quality control board, and the air pollution control
24 district or the air quality management district.

25 ~~(3)~~

26 (c) The solid waste facilities permit ~~is application and the~~
27 ~~proposed solid waste facilities permit are~~ accompanied by
28 certifications from the agencies having jurisdiction that the solid
29 waste facility has received all permits specified in ~~paragraph (2)~~
30 *subdivision (b)*.

1 ~~(b) Notwithstanding Sections 44008 and 44009, or Chapter 4.5~~
2 ~~(commencing with Section 65920) of Division 1 of Title 7 of the~~
3 ~~Government Code, all time periods within which the enforcement~~
4 ~~agency or the board are required to act on an application for a~~
5 ~~solid waste facility subject to this section shall be suspended.~~

6 SEC. 2. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety
8 within the meaning of Article IV of the Constitution and shall go
9 into immediate effect. The facts constituting the necessity are:

10 In order to protect public health and safety and the
11 environment, it is necessary for this act to take effect
12 immediately.